

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 6, 2004

DIVISION ONE

B167043 People (Not for Publication)

V.
Anthony Brian Gomez

The appeal is dismissed.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION TWO

B164991 People (Certified for Partial Publication)

V.
Richardson

The judgment of conviction is reversed as to count two and the sentence imposed as to that count is stricken. In all other respects, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Doi Todd, J.

DIVISION TWO (Continued)

B166208 Richardson (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. Respondents shall receive costs of appeal.

Nott, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B162820 Pheffer, et al. (Not for Publication)
 v.
 Orr, et al.

The judgment is reversed as to count 6. The trial court is directed to enter judgment in favor of Steven Orr on count 6 and to set aside the compensatory and punitive damages awarded to Jeffrey Pheffer from Steven Orr on that count. The injunctive order is modified to exclude reference to the short brick wall -- the Orrs are not ordered to remove any portion of the short brick wall. In all other respects, the judgment is affirmed. The parties shall bear their own costs of appeal.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

B161443 Amanda T, a minor, et al. (Not for Publication)
 v.
 Los Angeles Unified School District, et al.

The judgment is affirmed. Respondents shall receive costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

April 6, 2004 (Continued)

DIVISION TWO (Continued)

B167508 Chipp (Not for Publication)
v.
The Salvation Army, et al.

The judgment appealed from is affirmed. Respondents shall recover their costs of appeal from appellant.

Nott, Acting P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

DIVISION THREE

B165754 Arnoldo A., et al. (Not for Publication)
v.
Juan C., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B163694 People v. Nguyen, et al. (Not for Publication)
B168413 In re Jason Lee Tran on Habeas Corpus

The section 186.22(b)(1), 12022(a) and 12022(b), enhancements imposed on Tran in connection with counts 1, 2 and 5, are hereby vacated. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward it to the Department of Corrections. In all other respects, the judgments are affirmed. Tran's habeas corpus petition is denied.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

April 6, 2004 (Continued)

DIVISION THREE (Continued)

B166728 People
 v.
 Ulysess Grant Kinard

Filed order denying petition for rehearing.

B142840 Raquel Salazar
B144243 v.
 Diversified Paratransit, Inc., et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B167876 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Diana S.

The order is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B131155 Ash, et al. (Not for Publication)
 v.
 Ash

The order finding that the trust was revoked effective February 27, 1998,
and denying affirmative relief to appellant and his sister is affirmed.
Respondent Trude Ash shall have her costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

April 6, 2004 (Continued)

DIVISION FOUR (Continued)

B166247 Rosen (Not for Publication)
v.
Franklin Mint

The judgment is affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

B170374 Los Angeles County, D.C.S. (Not for Publication)
v.
Asyeshah K.,
In re Michael K.

The October 1, 2003 order terminating Asyeshah K.'s parental rights as to her four children, Michael K., Ryan F., Cheyenne F., and Chelsea G., is reversed. The matter is remanded for proper inquiry and compliance with the notice provisions of the Indian Child Welfare Act. (25 U.S.C. § 1912(a).) If after proper inquiry and notice it is determined the minors *are* subject to the Indian Child Welfare Act, the juvenile court is to conduct a new Welfare and Institutions Code section 366.26 hearing. The new permanency planning hearing shall be conducted in conformity with all the Indian Child Welfare Act. If, on the other hand, no response is received or it is determined that the Indian Child Welfare Act is inapplicable, the order terminating the mother's parental rights shall be reinstated. In all other respects, the order terminating parental rights is affirmed.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

April 6, 2004 (Continued)

DIVISION FIVE (Continued)

B170161 People (Not for Publication)
v.
Ernest L.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B170210 Los Angeles County, D.C.S. (Not for Publication)
v.
Sidney T., et al.

The order terminating father's and mother's parental rights is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B164931 People (Not for Publication)
v.
Edgar Alejandro Maldonado

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION FIVE (Continued)

B164489 People (Not for Publication)

$$\mathbf{V}_i$$

Dontae Lavar Wynne

The sentence is reversed in the following particulars: the stayed sentences as to counts 2 and 3; the subordinate terms imposed as to count 7; and the stayed 13-year sentence as to count 9. Upon issuance of the remittitur, the trial court is to proceed to resentence defendant as to counts 2, 3, and 7 as discussed in the body of this opinion. As to count 9, the judgment is modified to state: a one-year term is imposed for felony assault with a firearm; in addition, a one-year, four-month sentence is imposed on the gang enhancement; the total term as to count 9 is to be two years, four months; the remainder of the potential period of incarceration is stayed pursuant to rule 4.447 of the California Rules of Court; and the entire count 9 sentence is stayed pursuant to Penal Code section 654, subdivision (a). As to both counts 5 and 6, the trial court is to impose additional 10-year enhancements pursuant to Penal Code section 12022.53, subdivision (b) as discussed in the body of this opinion. The judgment is affirmed in all other respects. Upon the completion of sentencing proceedings, the clerk of superior court is to prepare an amended abstract of judgment which reflects the newly imposed sentence including the gang enhancements. The corrected abstract of judgment is to be forwarded to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B166248 Arthur W. Hedges, et al. (Certified for Partial Publication)

V.

Stephen E. Carrigan

The order denying the petition to compel plaintiffs to arbitrate the controversy is affirmed. Plaintiffs, Arthur W. and Dimity Hedges, are entitled to their costs on appeal from defendant, Stephen E. Carrigan.

Turner, P.J.

I concur: Armstrong, J.

I concur: Mosk, J. (opinion)

April 6, 2004 (Continued)

DIVISION SIX

B164906 People
v.
Geise

Filed order denying petition for rehearing.

B167861 People
v.
Lemus, et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

B163926 People (Not for Publication)
v.
Deflores

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B157518 Ligocki (Not for Publication)
v.
Walt Disney Imagineering, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

April 6, 2004 (Continued)

DIVISION SEVEN (Continued)

B163960 People (Not for Publication)
v.
Contreras

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B169154 People (Not for Publication)
v.
Haskin

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B164949 People (Not for Publication)
v.
Winbush

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

April 6, 2004 (Continued)

DIVISION SEVEN (Continued)

B165955 People v. Porter (Not for Publication)

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B163498 People (Certified for Partial Publication)
v.
Blake

The judgment is modified to strike the one-year sentence enhancement imposed under section 667.5, subdivision (b) for having served a prior prison term. The clerk of the Superior Court is directed to prepare an amended abstract of judgment and to forward in to the Department of Corrections. In all other respects, the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B166769 Wat Khmer Temple (Not for Publication)
Trigoda-Jothignanco Chuon-Nath
v.
Pisegna & Zimmerman

The judgment of dismissal is affirmed. The award of attorneys' fees to respondents is affirmed. Respondents to recover their costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

April 6, 2004 (Continued)

DIVISION SEVEN (Continued)

B162952 Miller

v.

University of Southern California

Filed order denying petition for rehearing.